

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

SINDORA PARKER #259182,

Plaintiff,

Case No. 2:07-cv-124

v.

Honorable R. Allan Edgar

ROBERT MULVANEY, et al.,

Defendants.

/

OPINION AND ORDER APPROVING MAGISTRATE JUDGE'S

REPORT AND RECOMMENDATION AND DENYING EXTENSION OF TIME

The Court has reviewed the Report and Recommendation filed by the United States Magistrate Judge on September 3, 2008. The Report and Recommendation was duly served on the parties and recommended that the Court partially grant Defendants' motions for summary judgment (docket #75). Plaintiff has failed to file objections, but has instead filed a motion for extension of time to file such objections (docket #76). In the motion, Plaintiff claims that he needs additional time in the prison law library and seeks an additional 30 days in which to file objections. After reviewing the record, the court concludes that Plaintiff's motion for extension of time is properly denied.

In the report and recommendation, the Magistrate Judge concluded that Plaintiff had failed to exhaust his administrative remedies with regard to Defendants Rutter, Bergh, Mulvaney, Maki, Armstrong, Repelje, Immel, Lancour and Steinman. The Magistrate Judge noted that Plaintiff failed to name any of these Defendants in a grievance. In Plaintiff's motion to extend the time to file objections, he fails to give any explanation for the failure to file a grievance naming these

Defendants. Such an action does not require access to the law library. Therefore, Plaintiff's motion (docket #76) is denied. Moreover, for the reasons set forth in the report and recommendation, Defendants' motion for summary judgment (docket #39) is granted with regard to Defendants Rutter, Bergh, Mulvaney, Maki, Armstrong, Repelje, Immel, Lancour and Steinman, and denied with regard to Defendants Contreras and Jones. Accordingly,

IT IS ORDERED that the Report and Recommendation of the Magistrate Judge (docket #75) is approved and adopted as the opinion of the court.

IT IS FURTHER ORDERED that Defendant Betz's motion for summary judgment (docket #62) is granted. The motion for summary judgment filed by Defendants Rutter, Bergh, Mulvaney, Maki, Armstrong, Repelje, Immel, Lancour, Contreras, Jones and Steinman (docket #35) is granted with regard to Defendants Rutter, Bergh, Mulvaney, Maki, Armstrong, Repelje, Immel, Lancour and Steinman, but denied with regard to Defendants Contreras and Jones.

Dated: 9/26/08

/s/ R. Allan Edgar
R. ALLAN EDGAR
UNITED STATES DISTRICT JUDGE